

**ACCESS TO INFORMATION
FROM A FINALIZED
ADOPTION RECORD
IN VIRGINIA**



**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES**

An Equal Opportunity Agency

Any party to an adoption which was finalized in Virginia, including the adoptee who is age eighteen or over, the adoptive parent, the birth parent, and adult birth siblings have certain rights under Virginia law. These rights are listed in this brochure.

The Adoption Reports Unit at the Virginia Department of Social Services keeps a permanent record of all adoptions finalized in Virginia since July 1, 1942. In addition, if the adoptee was placed for adoption through an agency with the legal authority to consent to the adoption, such agency may have a copy of the case record. Material from the record can be released to specified parties as indicated below:

VIRGINIA CODE SECTIONS 63.1-236 AND 63.1-236.01

Rights of adoptees who are age eighteen and older:

Adult adoptees have the right to request and receive ***non-identifying*** background information about themselves and their birth family from their finalized adoption record.

Adult adoptees have the right to apply to the Virginia Department of Social Services for ***identifying*** information on their birth family, such as names and addresses. Good cause must be shown for the release of this information. Good cause means consent from the birth family member on whom identifying information is being sought.

Adult adoptees have the right to request that an attempt be made to convey critical medical, psychological, and genetic information to their birth parents or adult birth siblings. *However, a physician*

or licensed mental health provider must certify in writing, with a clear explanation as to the reasons, that it is critical that the information be conveyed. Confidentiality of all parties is to be maintained by the agency.

In parental placement adoptions, where the consent to the adoption was executed on or after July 1, 1994, the adult adoptee may view the entire adoption record. However, any criminal record checks done on the adoptive parent(s) which show a criminal record conviction cannot be released.

Rights of adoptive parents:

Adoptive parent(s) have the right to request and receive non-identifying background information from their child's finalized adoption record.

For adoptions finalized on or after July 1, 1994, the adoptive parent of a minor child may apply to the Virginia Department of Social Services for identifying information on the birth family, such as names and addresses. Good cause must be shown for the release of this information. Good cause means mutual consent of the birth family member on whom identifying information is being sought.

Adoptive parent(s) have the right to request that an attempt be made to convey critical medical, psychological and genetic information to the birth parents or adult birth siblings of the adoptee. *However, a physician or licensed mental health provider must certify in writing, with a clear explanation as to the reasons, that it is critical that the information be conveyed.* Confidentiality of all parties is to be maintained by the agency.



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If the agency that was involved in the adoption is willing, the adoptive parent (s) may allow such agency to act as an intermediary for the purpose of exchanging pictures and non-identifying information, such as letters, with the birth parent(s). The adoptive parent(s) and birth parent(s) must both sign a written agreement to that effect.

In parental placement adoptions, where the consent to the adoption was executed on or after July 1, 1994, the adoptive parent(s) may view the entire record.

Rights of birth parents

Birth parent(s) have the right to send letters to the Virginia Department of Social Services to be included in their child's adoption record. In cases where the child was placed for adoption through an agency, and that agency maintains a record, the birth parent(s) may also send letters for inclusion in the agency's record.

For adoptions finalized on or after July 1, 1994, when the adult adoptee is twenty-one years of age or older, the birth parent(s) may apply to the Virginia Department of Social Services for identifying information on the adoptee, such as his/her current name and address. Good cause must be shown for the release of this information.

Good cause means mutual consent of the birth family member on whom identifying information is being sought.

Birth parent(s) have the right to request that an attempt be made to convey critical medical, psychological and genetic information to the adult

adoptee or adoptive parent(s). *However, a physician or licensed mental health provider must certify in writing, with a clear explanation as to the reasons, that it is critical that the information be conveyed.* Confidentiality of all parties is to be maintained by the agency.

If the agency involved in the adoption is willing, the birth parent(s) may allow such agency to act as an intermediary for the purpose of exchanging pictures and non-identifying information, such as letters, with the adoptive parent(s). The birth parent(s) and adoptive parent(s) must both sign a written agreement to that effect.

In parental placement adoptions, where the consent to the adoption was executed on or after July 1, 1994, any birth parent who executed a written consent to the adoption may view the entire adoption record. However, any criminal record checks done on the adoptive parent(s), which show a criminal record conviction cannot be released.

Rights of adult birth siblings

Birth siblings have the right to send letters to the Virginia Department of Social Services to be included in the adoptee's adoption record. In cases where the adoptee was placed for adoption through an agency, and that agency maintains a record, the sibling may also send letters for inclusion in the agency's record.

For adoptions finalized on or after July 1, 1994, when the adult adoptee is twenty-one years of age or older, the adult birth sibling may apply to the Virginia Department of Social Services for identifying information on the adoptee, such as his/her current name and address. Good cause must be shown for the release of this information. Good cause means consent of the adult adoptee for release of the

identifying information.

The adult birth sibling has the right to request that an attempt be made to convey critical medical, psychological and genetic information to the adult adoptee or adoptive parent(s). *However, a physician or licensed mental health provider must certify in writing, with a clear explanation as to the reasons, that it is critical that the information be conveyed.* Confidentiality of all parties is to be maintained by the agency.

Rights of other birth family members

Any member of the birth family has the right to send letters to the Virginia Department of Social Services to be included in the adoptee's adoption record. In cases where the adoptee was placed for adoption through an agency, and that agency maintains a record, the birth family member(s) may also send letters for inclusion in the agency's record.

For additional information on how the law may affect you personally, you may contact the child-placing agency involved in the adoption or you may contact the Adoption Reports Unit at the Virginia Department of Social Services. The address of the Virginia Department of Social Services is 730 East Broad Street, Richmond, Virginia 23219-1849. The telephone number is (804)692-1290.

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